

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes
Before the Honorable Kea W. Riggs

CASE NO. CR 23-748 KWR

DATE: September 6, 2024

TITLE: *USA v. Solomon Pena*

COURTROOM CLERK: C. Bevel

COURT REPORTER: A. Lynch

COURT IN SESSION: 9:00AM-10:34AM

TOTAL TIME: 1 hr 34 minutes

TYPE OF PROCEEDING: *Daubert hearing, Objection to Def. Supplemental Expert Notice; United States objection [243](#) to Defendant's witnesses [211](#); [240](#) Motion to Continue as to Solomon Pena.*

ATTORNEYS PRESENT FOR PLAINTIFF(S):

ATTORNEYS PRESENT FOR DEFENDANT(S):

Patrick Cordova, Jeremy Pena, Ryan
Crosswell

Elizabeth Honce

PROCEEDINGS:

9:00am Court in session, counsel enter appearances, defendant present in custody. Ms. Honce appears remotely. Court will address *Daubert* matter first, Objection to Witnesses second and the Motion to Continue Trial last.

9:05am Ms. Honce calls witness James C. Fraser-Paige, witness sworn.

9:05am Ms. Honce conducts direct examination of witness Fraser-Paige.

9:33am AUSA Cordova conducts cross examination of witness Fraser-Paige.

9:47am Ms. Honce conducts re-direct examination of witness Fraser-Paige.

9:56am Court excuses witness Fraser-Paige, Court admits CV of witness James C. Fraser-Paige as exhibit for purposes of this hearing only.

9:58am Ms. Honce makes arguments in support of witness Fraser-Paige as an expert.

10:00am AUSA Cordova responds in opposition of witness Fraser-Paige offering expert

opinions.

10:03am Ms. Honce responds, requests witness Fraser-Paige be recognized as an expert and allowed to testify regarding firearms.

10:05am Court will take matter under advisement and issue a ruling shortly. Court next turns to objection to witnesses David and Erin Clements.

10:06am Ms. Honce makes a proffer regarding proposed testimony of David and Erin Clements.

10:08am Court inquires how David and Erin Clements' testimony will assist jury.

10:09am Ms. Honce responds.

10:12am AUSA Crosswell argues objection of defense witnesses David and Erin Clements.

10:16am Court will not permit Ms. Honce to argue "legal and lawful" in front of the jury. Court clarifies proposed testimony of David and Erin Clements.

10:17am Ms. Honce responds, indicates the Clements are attorneys and would abide by any court directives about testimony.

10:24am AUSA Crosswell responds.

10:26am Court will take matter under advisement. Court turns to motion to continue trial.

10:27am Ms. Honce addresses pending motion to continue and request 1 week extension for trial to begin 1 week later.

10:29am AUSA Pena responds, does not object to a 1-week continuance of trial.

10:31am Court addresses counsel, deadline for trial schedule was missed. Court inquires that this trial will not take 2 weeks.

10:32am AUSA Pena estimates trial will not be 2 full weeks but will be a week and a half.

10:33am Ms. Honce estimates 3-4 days for trial.

10:33am court will make a decision on the trial continuance by the end of the day. Court will

also enter an order as to when the Trial Schedule is due.

10:34am AUSA Cordova addresses Court, clarifies that a form of verdict has been submitted and that defendant has no objection.

10:34am Ms. Honce responds, no objection to proposed form of verdict.

10:34am Court in recess.